



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार, 4 अगस्त, 1990/13 श्रावण, 1912

हिमाचल प्रदेश सरकार

LOCAL SELF GOVERNMENT DEPARTMENT

NOTIFICATION

Shimla-2, the 19th July, 1990

No. LSG-A(3)1/77-II (Rules).—In exercise of the powers conferred by section 33 of the Himachal Pradesh Urban Rent Control Act, 1987) Act No. 25 of 1987), the Governor, Himachal Pradesh is pleased to make the following rules, namely:—

1. Short title.—These rules may be called the Himachal Pradesh Urban Rent Control Rules, 1990.

2. Definitions.—(1) In these rules, unless there is anything repugnant in the subject or context,—

- (a) “Act” means the Himachal Pradesh Urban Rent Control Act, 1987 (Act No. 25 of 1987);
- (b) “Form” means a form appended to these rules;
- (c) “Recognised agent” means a person holding a power of attorney authorising him to act on behalf of his principal or an agent empowered by written authority under the hand of his principal; and
- (d) “Section” means a section of the Act.

(2) All other words and expressions used but not defined in these rules shall have the meanings as assigned to them in the Act.

3. *Application under sections 4, 5, 6, 11, 14 and 15.*—Every application to the Controller under sections 4, 5, 6, 11, 14 and 15 shall be made in Form "A" and shall state the grounds on which it is made.

4. *Procedure for permission and recovery of possession under section 17 of the Act.*—Every application, to the Controller for obtaining the permission for letting the whole or part of his premises in pursuance of the provisions of section 17 shall be in Form-B together with a copy of the agreement entered into between the landlord and the tenant.

(2) The Controller, after satisfying himself, shall grant permission in writing and cause a copy of such permission delivered to both the parties.

(3) The landlord, in case the tenant does not vacate the premises after the expiry of agreed date, shall submit the application, along with an attested copy of the agreement and the copy of permission granted under sub-rule (2) above, in Form-A, within a period of six months after the expiry of the period of tenancy.

5. *Manner in which applications are to be made.*—(1) Every application under the Act shall be signed and verified in the manner prescribed under rules 14 and 15 of order VI of the First Schedule to the Code of Civil Procedure, 1908, and shall be presented by the applicant or his recognised agent to the Controller.

(2) Every such application shall be accompanied by a copy or sufficient number of copies thereof for service on the respondent or respondents mentioned therein.

6. *Appearance before Controller.*—A party may appear before the Controller either in person or by a recognised agent provided that if the Controller so directs the party shall appear in person.

7. *Receipt to be given for rent paid.*—A receipt required to be given by the landlord or his authorised agent under section 20 in respect of rent paid for any premises shall be in Form-C.

8. *Deposit of rent.*—(1) A deposit of rent under section 21 shall be made in cash and shall be accompanied by an application by the tenant in Form-D.

(2) On such deposit being made, the Controller shall send a copy or copies of the application by registered post with acknowledgement due, at the cost of the applicant, to the landlord or persons claiming to be entitled to the rent with an endorsement of the date of deposit.

9. *Payment of rent deposited.*—The Controller, in accordance with the provisions of sub-section (4) of section 21, shall order the amount of rent deposited to be paid to the landlord or persons entitled to the rent either in cash or by cheque.

10. *Accounting of deposits.*—Subject to the provisions of section 21, all sums deposited shall be treated as Civil Court deposits and accounted for and dealt with according to the rules of Civil Court deposits in force in Civil Courts in Himachal Pradesh.

11. *Particulars to be furnished to the Controller under Section 29.*—Then an application is made to the Controller under this Act the landlord or as the case may be the tenant of,

a building or rented land shall furnish to the Controller, or any person authorised by him in that behalf, the following particulars, namely :—

- (a) name and number of the building or related land if any, or its description and boundaries sufficient to identify it;
- (b) street and municipal ward of division in which the building or rental land is situated;
- (c) Name and address of the landlord if the particulars are furnished by the tenant and name and address of the tenant, if the particulars are furnished by the landlord;
- (d) whether the building is a residential; non-residential; and
- (e) nature of amenities provided by the landlord to the tenant.

12. Procedure to be followed by Controller in disposing of an application.—(1) When an application under the Act is presented to the Controller, he shall fix the date, time and place at which the enquiry in respect of the application will be held and send a notice along with a copy of the application to each respondent in Form-E appended to these rules.

(2) The Controller shall give to the parties, a reasonable opportunity to state their case. He shall also record the evidence of the parties and witnesses examined on either side and in doing so and in fixing dates for the hearing of the parties and their witnesses, in adjourning the proceedings, and dismissing application for default or for other sufficient reasons, the Controller shall be guided by the principles of the procedure as laid down in the Code of Civil Procedure, 1908.

13. Inspection.—In any application or proceeding pending before the Controller or the appellate authority as the case may be, if he thinks fit to do so for the purpose of elucidating any matter in dispute or for determining the fair rent of any building or rented land, inspect either personally or through a Commissioner, any such building or rented land.

14. Procedure for filing appeals.—(1) Every appeal under section 24 of the Act shall be presented in the form of a memorandum signed by the appellant or his recognised agent to the appellate authority. The memorandum shall be accompanied by a certified copy of the order appealed against and with such number of spare copies of the memorandum for service on the respondents mentioned therein.

(2) The memorandum shall forth, concisely and under distinct heads, the grounds of objection to the order appealed against without any argument or narrative and such grounds shall be numbered consecutively.

(3) Where the memorandum of an appeal is not drawn up in the manner here-in-before prescribed or is not accompanied by a certified copy of the order appealed against, it may reject, or return to the appellant or his recognised agent for the purpose of being amended or attaching to it a certified copy of the order appealed against, as the case may be, within a time to be fixed by the appellate authority.

15. Revision under section 24.—Every application made under sub-section (5) of section 24 shall be signed by the applicant or his recognised agent and presented to the High Court. Such application shall be accompanied by a certified copy of the order of the Rent Controller or the appellate authority, as the case may be with a spare copy or such number of spare copies of such application for service on the respondents mentioned therein.

16. Penalty.—The Controller may direct that a breach or an abetment of a breach of these rules, shall be punishable with fine which may extend to Rs. 500/- and when the breach is a continuing one with further fine which may extend to Rs. 1000/-.

17. *Repeal.*—(1) The Himachal Pradesh Urban Rent Control Rules, 1973 are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said rules shall be deemed to have been done or taken under the corresponding provisions of these rules, as if these rules had come into force on the day on which such thing was done or action was taken.

FORM-A

[See rule 3 and sub-rule 3 of Rule 4]

Before..... Controller.

Name..... Applicant/Petitioner.

Versus

Name..... Respondent/Defendant/Tenant.

Application *determination of fair rent revision/increase of fair rent.
Restoration of essential supply on service.
Eviction of tenant.

Under Section.....

*Strike out whatever is inapplicable.

1. Municipal No. of the premises and the name, if any.
2. Street and municipal ward of division in which the premises are situated.
3. (a) Name and address of the landlord.
(b) Name and address of the tenant/tenants.
4. Whether the premises are residential or non-residential?
5. In the case of residential premises, the number of persons occupying the same and in the case of non-residential premises, the purpose for which they are used and the number of employees, if any, working therein.
6. Whether any furniture is supplied by the landlord for use in the premises?
7. Details of fittings, if any, provided by the landlord.
8. Details of accommodation available together with particulars as regards ground area, garden and outhouses, if any (Plan to be attached).
9. Whether the premises are occupied by a single tenant or by more than one tenant?
10. Amenities available in regard to lighting, water, sanitation and the like.
11. Monthly rent together with details of house tax, electricity, water and other charges paid by the tenant.
12. (a) Date of completion of construction of the premises and the cost thereof.
(b) Whether completion report was obtained from the local authority and the date thereof?
13. (a) Rateable value as entered in the last property assessment book of the Municipal Corporation, Municipal Committee/Notified Area Committee, as the case may be.
(b) Rate of rent of similar building having similar amenities, if any in the locality.

*This information should be given in the application for fixation of fair rent.

14. Date on which the premises were let to the tenant and detail of agreement, if any, with the landlord. (Copy of the agreement to be attached).
15. Whether the fair rent of the premises has been fixed under the Himachal Pradesh Urban Rent Control Act, 1987 or any other law in force at the time of letting out and if so, the amount of such rent and the date from which it took effect.
- **16. Whether there are any sub-tenant and if so, the date of such sub-letting, accommodation sub-let, whether with or without the written consent of the landlord and the rent charged from such sub-tenant. This information should be given in the application for eviction due to unauthorised sub-letting.
- ***17. Whether any additions or alterations have been made since the rent was fixed as stated under item No.15, and if so, date on which such additions or alterations were made, the cost of such additions or alterations and whether they were carried out with the approval of the tenant or of the Controller? This information should be given in the application for increase of rent due to additions or alterations.
- ****18. (a) The grounds on which the eviction of the tenant is sought.
(b) Whether notice required has been given and if so, particulars thereof? Copies of such notice and the tenant's reply, if any should be furnished.
19. This information should be given in the application for eviction of tenants.
20. Any other relevant information.
21. Relief claimed.
22. (Verification).

Place.....

Signature of applicant/authorised agent

Date.....

FORM-B

[See sub-rule (1) of rule 4]

APPLICATION FOR PERMISSION OF THE CONTROLLER FOR LETTING THE WHOLE OR PART OF THE PREMISES FOR A LIMITED PERIOD

Before the Rent Controller,.....
In the matter of :—

.....

An agreement having been entered into between the landlord/applicant on the first part and the tenant on the second part on day of.....19 where by the premises/house No.....situated in.....within the jurisdiction of Municipal Committee/Corporation/Notified Area Committee agreed to be let by the applicant/landlord to the tenant for a period of.....months/years as per copy of the agreement annexed hereto;

**This information should be given in the application for eviction due to unauthorised sub-letting.

**This information should be given in the application for increase of rent due to additions or alterations.

This information should be given in the application for eviction of tenants.

And further the tenant respondent having agreed to handover the vacant possession of the premises/part of the premises house No. aforesaid to the applicant/landlord immediately on expiry of the period agreed to.

It is, therefore, respectfully prayed that permission for letting the premises by the landlord/applicant to the tenant respondent as agreed to, as required under section 17 of the Himachal Pradesh Urban Rent Control Act, 1987 may be granted.

Applicant/Landlord.

FORM-C

(See rule 7)

FORM OF RENT RECEIPT AND COUNTERFOIL

Counterfoil.

Serial No.

Name of the landlord.....

Address of the landlord.....

Received with thanks from.....
 a sum of Rs. (in figures).....
 (in words) only
 as payment of rent for the period.....
 for the premises..... this day
 of the month of in the year.....

Signature or thumb-impression of the
 landlord or authorised agent.

*The rent charged included :—

- **1. Rates, cesses and taxes of the local authority.
- **2. Electric charges.
- **3. Water charges.
- **4.
- **5.

*It does not include :—

- 1. Rates, cesses and taxes of the local authority.
- 2. Electricity charges.
- 3. Water charges.
- 4.
- 5.

*Strike out whatever is inapplicable.

**State the exact charges if possible.

Rent Receipt

Serial No.

Name of the landlord :

Address of the landlord :

Received with thanks from.....
 a sum of Rs. (in figures).....(in words).....
 only as payment of rent at Rs..... per
 for the periodfor the premises
 this day theday of the month of.....
 in the year.

Signature or thumb-impression
 of the landlord or authorised agent.

*The rent charged includes :—

- ** (1) Rates, cesses and taxes of the local authority.
- ** (2) Electric charges.
- ** (3) Water charges.
- ** (4)
- ** (5)

*It does not include :—

- (1) Rates, cesses and taxes of the local authority.
- (2) Electric charges.
- (3) Water charges.
- (4)
- (5)

*Strike out whatever is inapplicable.

**State the exact charges if possible.

FORM D

(See rule 8)

APPLICATION FOR DEPOSIT OF RENT

Before.....Controller.

Name.....Petitioner/Applicant.

Versus

Name.....Landlord/Respondent.

1. The premises for which the rent is deposited with description sufficient for identifying the premises.
2. Period for which the rent is deposited and the rate per month.
3. The name and address of the landlord or the person or persons claiming to be entitled to such rent.
4. The reasons and circumstances for which application for depositing the rent is made.
5. The amount of the rent deposited.
6. Whether electricity, water charges, property tax etc. are included in the rent, and if so, particulars thereof?

7. How the rent was tendered to the landlord whether in person or by postal money order or by cheque etc. and whether it was refused by him in writing or otherwise?
8. Whether there is a *bona fide* doubt as to the person or persons to whom the rent is payable and if so, why?
9. Date on which the rent was last paid to the landlord and the receipt if any, obtained from him therefor.
10. Any other relevant information.

The statement made above are true to the best of my knowledge and belief and I.....the applicant/authorised agent signed the application on the.....day of the month of..... in the year 19 .

Date:.....

Signature of the applicant/
authorised agent.

Place:.....

FORM-E

[See rule 12 (1)]

NOTICE TO THE RESPONDENT UNDER THE HIMACHAL PRADESH URBAN RENT CONTROL ACT, 1987

Office of the Rent Controller, exercising powers under the Himachal Pradesh Urban Rent Control Act, 1987.

Miscellaneous application Noof
.....Applicant.

Versus

.....Respondent.

Whereasapplicant has filed an application.....
.....und section..... of the Himachal Pradesh Rent Control Act, 1987 (a copy whereof is attached) against you in this office and the said application has been fixed for hearing before me for.....

You are hereby required to appear in my office on the aforesaid date at.....
in person or by a recognised agent and to put in what ever objections you may have against the application. In default of your appearance, proceedings shall be taken against you *ex-parte*.

Given under my hand and seal of the office, this
day of.....19 .

Rent Controller.

By order,

Commissioner-cum-Secretary (LSG)
To Government of Himachal Pradesh.